

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

347I0692

HOUSE BILL NO. 1201

Introduced by: Representatives Rounds and O'Brien and Senator de Hueck

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Counselor Examiners to review
2 allegations of unethical conduct by unlicensed counselors and therapists.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Upon a complaint, the Board of Counselor Examiners may conduct a contested
5 case hearing, pursuant to chapter 1-26, to determine if anyone engaged in the practice of
6 counseling or marriage and family therapy in the state has violated state statutes, administrative
7 rules of the board, or ethical standards of the American Counseling Association or American
8 Association for Marriage and Family Therapy.

9 Section 2. Upon a finding that anyone engaged in counseling or marriage and family therapy
10 in the state has violated state statutes, administrative rules of the board, or ethical standards of
11 the American Counseling Association or American Association for Marriage and Family
12 Therapy, the board may order the unlicensed counselor or therapist to cease and desist from the
13 practice of counseling or therapy in the state, or cease and desist from the specific conduct
14 alleged in the complaint.

15 Section 3. The board's order to cease and desist is enforceable by injunction issued by a
16 circuit court upon application by the attorney general.



1 Section 4. This Act does not apply to:

2 (1) Any professional licensed or certified pursuant to Title 36;

3 (2) Members of the clergy who are providing pastoral services as a part of performing
4 and fulfilling their duties and obligations to their congregation; and

5 (3) Attorneys licensed by the Supreme Court of the State of South Dakota.

6 Section 5. The board may promulgate rules, pursuant to chapter 1-26, to establish
7 procedures for investigating complaints.